

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DIRECTV, LLC, a California limited liability company) Case No.: 1:15-cv-00104-JMS-TAB
Plaintiff,)
v.)
VICTOR A. SPINA, JR., MARTINSVILLE)
CORRAL, INC., and WILLIAM SPINA)
Defendants.)

DEFENDANTS' TRIAL BRIEF

Pursuant to the Case Management Plan at Sec. VIII A.5, [[#030](#)] Defendants Martinsville Corral, Inc., Victor A. Spina, Jr., and William Spina hereby submit this trial brief.

1. Pending Motion for Reconsideration. Defendants observe that there is a pending *Motion to Reconsider* the court's Summary Judgment ruling [[#119](#)]. That Motion argues that the undisputed summary judgment evidence was that DirecTV authorized: (a) the equipment used by defendants to receive DirecTV signals; and (b) expressly authorized defendants to receive and publicly of DirecTV programming in the two restaurants at issue. If the court grants the *Motion for Reconsideration* and enters summary judgment in favor of Defendants, a trial will be unnecessary.

It is also possible that, in ruling on the *Motion for Reconsideration*, the court could vacate the summary judgment on the issue of liability in favor of DirecTV on its liability claim under 47 USC 605. Thus, DirecTV's claim under this count would go to trial. Counsel can be better prepared for trial if they have as much advance notice of whether the trial will include the issue of liability under 47 USC 605.

2. Duration of Trial. This Court's Final Pretrial Conference Order stated, "Each party must file a Trial Witness List by December 23, 2016, *listing only the witnesses the party anticipates actually calling to testify at trial.*" Defendants observe that DirecTV's trial witness list includes *seventeen witnesses*. [[#141](#)]. Although the trial is set to begin on January 30, 2017, it is not known how long the DirecTV or the Court expects this trial to last. However, counsel could best prepare for trial if they were advised of the range(s) of dates on which this Court expects this jury trial to occur.

Respectfully submitted,

By: s/ Paul B. Overhauser
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing is being filed electronically via the Court's ECF system and that all parties hereto will be served through such system.

By: /s/ Paul B. Overhauser
Paul B. Overhauser